

Public Service Commission Of West Virginia

201 Brooks Street, P. O. Box 812
Charleston, West Virginia 25323

James D. Williams
Chairman

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September 27, 2001

VIA OVERNIGHT DELIVERY

Ms. Magalie Roman Salas, Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, SW, Room TW-204B
Washington, DC 20554

Re: CC Docket No. 96-45: Certification Under 47 U.S.C. § 254(e).

Dear Secretary Salas:

The Public Service Commission of West Virginia (WVPSC) hereby submits its certification in accordance with 47 C.F.R. §§ 54.313 & .314. These sections of the Commission's rules requires state certification in order to allow incumbent local exchange carriers (incumbent LECs or ILECs) and competitive LECs that have been designated as eligible telecommunications carriers (ETCs), to receive federal universal service support pursuant to 47 C.F.R. §§ 54.301 to .314.

As required by 47 C.F.R. §§ 54.313(a) & .314(a), the WVPSC certifies that the following carriers in West Virginia are eligible to receive federal support during January 1, 2002 to December 31, 2002: Verizon West Virginia, Inc. (Verizon-WV); Citizens Telecommunications Company of West Virginia, Armstrong Telephone Company - West Virginia; Armstrong Telephone Company - Northern Division; Spruce Knob-Seneca Rocks Telephone, Inc.; West Side Telephone Company, Hardy Telecommunications, Inc.; War Telephone Company; and Gateway Telecom, LLC, d/b/a StratusWave Communications. These carriers are either ILECs or have been designated ETCs by the Commission.. The WVPSC

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further certifies that these carriers will use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended.. This certification is the product of formal proceedings before the WVPSC. See "Commission Order," General Investigation Re: Certification of the Disposition of Federal Universal Service Funding for Calendar Year 2002, Case No. 01-1129-T-GI (Sept. 26, 2001) (copy attached). With respect to Verizon-WV, all federal universal service support received by Verizon-WV is used to reduce monthly rates for single-line business and residential customers in West Virginia, pursuant to settlement agreements.

On behalf of the people of West Virginia, the WVPSC expresses its appreciation for the Commission's efforts in arriving at a mechanism to provide support that will reduce monthly rates for the bulk of consumers and make those rates more comparable to rates paid by consumers in other parts of the Nation.

Very truly yours,



JAMES D. WILLIAMS, Chairman

Encl.

cc: Irene Flannery, Universal Service Administrative Company
2120 L Street, NW
Suite 600
Washington, DC 20037
fax (202) 776-0080

**PUBLIC SERVICE COMMISSION
OF WEST VIRGINIA
CHARLESTON**

At a session of the Public Service Commission of West Virginia, in the City of Charleston, on the 26th day of September, 2001.

CASE NO. 01-1129-T-PC

GENERAL INVESTIGATION REGARDING

Certification of the disposition of federal universal service funding by incumbent local exchange telecommunications carriers and competitive eligible telecommunications carriers in West Virginia for calendar year 2002.

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COMMISSION ORDER

On August 27, 2001 Commission Staff (Staff) filed a petition, pursuant to Rule 12.6 of the Commission's Rules of Practice and Procedure and W. Va. Code § 24-1-1(f)(2), to initiate a general investigation regarding certification of the disposition of federal universal service funding by incumbent local exchange telecommunications carriers (ILECs) and competitive eligible telecommunications carriers (ETCs) in West Virginia for calendar year 2002.

By order entered August 29, 2001, the Commission granted Commission Staff's petition to initiate a general investigation regarding certification of the disposition of federal universal service funding for calendar year 2002 by: (1) incumbent local exchange carriers (incumbent LECs or ILECs) and (2) competitive LECs that have been designated as eligible telecommunications carriers (ETCs) in West Virginia.¹ In accordance with Staff's

Staff's petition was filed on August 23, 2001. On the same day, letters were filed with the Commission by: Citizens Telecommunications Company of West Virginia; Armstrong Telephone Company - West Virginia; Armstrong Telephone Company - Northern Division; Spruce Knob-Seneca Rocks Telephone, Inc.; West Side Telephone Company; and Hardy Telecommunications, Inc. These letters explained how the carriers used federal universal service support and requested that the Commission provide certification to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC) that the respective carrier is eligible to continue receiving federal universal service support. These letters were made a part of the Commission's file in this proceeding.

recommendations, the Commission ordered that ILECs and competitive ETCs file verified statements demonstrating that they use federal universal service support "only for the provision, maintenance and upgrading of facilities and services for which the support is intended," consistent with Section 254(e) of the Telecommunications Act of 1996, by September 7, 2001. Commission Order to Initiate A General Investigation, Case No. 01-1129-T-GI (Aug. 29, 2001), at 3.

In accordance with the Commission's order, a number of carriers filed statements verifying that federal universal service funding is used only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Telecommunications Act of 1934, as amended. These carriers were:

September 7, 2001

Verizon West Virginia Inc.

Armstrong Telephone Company - West Virginia

Armstrong Telephone Company - Northern Division

Citizens Telecommunications Company of West Virginia

Hardy Telecommunications, Inc.

Spruce Knob-Seneca Rocks Telephone, Inc.

West Side Telephone Company, dba West Side Telecommunications

September 10, 2001

War Telephone Company.²

September 24, 2001

Gateway Telecom, LLC, d/b/a StratusWave Communications.³

On September 24, 2001, Staff filed a memorandum stating that it has reviewed the verified statements provided by the aforementioned carriers and recommended that the Commission enter an order finding that: (1) the carriers are using federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of

²War Telephone Company's September 10, 2001, filing was unverified. However, War filed an amendment to its filing on September 21, 2001, providing the requisite verification.

³Included in StratusWave's filing was a request for leave to file the company's verification late. Staff recommends that the Commission grant such leave to StratusWave.

1934, as amended; and (2) it is appropriate to certify to the FCC and USAC that the carriers are eligible to continue receiving federal universal service support, based on those verified statements.

The Commission finds that the above mentioned telecommunications carriers use federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended and should be certified to receive federal universal service support during January 1, 2002 to December 31, 2002. These carriers are either ILECs or have been previously designated as ETCs by the Commission.

ORDER

IT IS THEREFORE ORDERED that the following carriers are using federal universal service support only for the provision, maintenance and upgrading of facilities and services for which the support is intended, consistent with Section 254(e) of the Communications Act of 1934, as amended: Verizon West Virginia Inc.; Armstrong Telephone Company - West Virginia; Armstrong Telephone Company - Northern Division; Citizens Telecommunications Company of West Virginia; Hardy Telecommunications, Inc.; Spruce Knob-Seneca Rocks Telephone, Inc.; West Side Telephone Company dba West Side Telecommunications; War Telephone Company; and Gateway Telecom, LLC, d/b/a StratusWave Communications

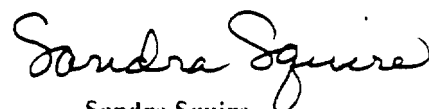
IT IS FURTHER ORDERED that it is appropriate to certify to the FCC and USAC that the above stated carriers are eligible to continue receiving federal universal service support for calendar year 2002, based on the verified statements submitted to the Commission.

IT IS FURTHER ORDERED that StratusWave's September 24, 2001 filing, requesting leave for late filing of the company's verification, is hereby granted.

IT IS FURTHER ORDERED that the Commission's Executive Secretary serve a copy of this order upon all parties of record by United States First Class Mail and upon Commission Staff by hand delivery.

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A True Copy, Teste:


Sandra Squire
Executive Secretary